IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 22255 of 2004

Between:

Smt. Kottee Thirumala, W/o. Mallaiah,
R/o. Mancherial Village and Mandal, Adilabad District.

..... PETITIONER

AND

1 The District Collector, Adilabad, Adilabad District.
2 The Commissioner, Mancherial Municipality, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Mandamus declaring the action of the respondents in proposing to widen the existing road in NTR Colony, Garimilla Sivar, Mancherial Mandal, Adilabad District, thereby affecting the petitioner's plot admeasuring 284.44 Sq. Yards, without initiating proceedings under Land Acquisition Act and without payment of compensation as illegal and arbitrary and consequently direct the respondents to initiate proceedings under the Land Acquisition Act and pay compensation to the petitioner in respect of the petitioner's plot admeasuring 284.44 Sq. Yards situated in Garimilla Sivar, Mancherial Mandal, Adilabad District.

Counsel for the Petitioner : Mr.P.ROY REDDY

Counsel for the Respondents : G.P. FOR REVENUE

The Court made the following :

Oral order:

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue for respondent No.1 and the learned Standing Counsel for respondent No.3, and with their consent, the writ petition itself is disposed of finally at the stage of admission,

The only grievance of the petitioner is that the respondents without issuing any notice and without following the due process of law and paying compensation, are attempting to lay a road from his plot admeasuring 284.44 Sq.yds. in Garimilla Sivar, Mancherial Mandal, Adilabad District, which is illegal and arbitrary.

The principles of natural justice demand that before any action is taken by the public authorities against private individuals, which results in civil consequences, a notice calling for the explanation to the individual concerned has to be issued, and after consider the explanation, appropriate orders should be passed, and then action in accordance with the said decision has to be taken. Inasmuch as it is alleged by the petitioner that the respondents are trying to lay a road from his plot without issuing any notice and without following the due process of law, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents, before proceeding to lay road from the plot of the petitioner, shall follow the due procedure prescribed under law, in that, a notice calling for the explanation of the petitioner shall be issued, and after considering the explanation that may be submitted by her, pass appropriate orders and take action in accordance therewith. It is made clear that if the respondents have already followed the due procedure prescribed under law and if the land is a government land, they are at liberty to proceed further in the matter.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA,J.

Date: 2nd December, 2004

Note:

Wire at party's cost.

(B/o)

KSR

To

1 The District Collector, Adilabad, Adilabad District.
2 The Commissioner, Mancherial Municipality, Adilabad.

3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two spare copies.